

1 **SK KING GEORGE, LLC,                   \*       BEFORE THE**  
2 **PETITIONER                               \*       PLANNING BOARD OF**  
3 **ZRA 109                                   \*       HOWARD COUNTY, MARYLAND**

4 \*       \*       \*       \*       \*       \*       \*       \*       \*       \*       \*       \*       \*

5 **MOTION:**   *To recommend approval of ZRA 109 in accordance with the Department of*  
6 *Planning and Zoning recommended revisions.*

7 **ACTION:**   *Recommended Approval; Vote 4 to 0, with one abstention.*

8 \*       \*       \*       \*       \*       \*       \*       \*       \*       \*       \*       \*       \*

9       On October 30, 2008, the Planning Board of Howard County, Maryland, considered the petition of  
10 SK King George, LLC for an amendment to the Zoning Regulations to amend Section 131.I.3. of the Zoning  
11 Regulations concerning the lapse of, and extensions of, approved Conditional Uses to establish a new  
12 provision whereby approved Conditional Uses would not have to obtain extensions for projects for which  
13 plans are being processed with Howard County.

14       The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation,  
15 and the comments of reviewing agencies, were presented to the Board for its consideration. The Department  
16 of Planning and Zoning recommended approval of the petition with certain slight revisions to the proposed  
17 amendment text.

18       The Petitioner was represented by Richard Talkin. There was no testimony in opposition to the  
19 petition.

20       Mr. Talkin stated that the Department of Planning and Zoning revision clarifies the proper reference  
21 to the Subdivision and Land Development Regulations. He explained that the amendment is necessary  
22 because there are many more conditions and requirements in the plan review process, so that process can take  
23 considerably longer than the two year limit for conditional uses.

24       Tom Meachum testified in support of the petition. Mr. Meachum argued that the current deadlines  
25 may not be realistic considering the complexity of the site development and subdivision approval processes  
26 which may contribute to or cause a delay in petitioner meeting the set deadlines. As a result, by "actively  
27 working within these processes" a petitioner's approved conditional use should not lapse requiring either an  
28 extension or whole new approval process. (See 10/17/08 Letter of Support) Dave Downs also supported the  
29 petition, and said the amendment is good public policy because currently, there are often circumstances  
30 beyond the control of an applicant in terms of the time necessary for plan review and approval.

31       The Board agrees that compliance with all the requirements and approval stages in the SDP and  
32 subdivision processes can be complex, timely, and expensive and include multiple agency review and  
33 approval which may delay meeting the 2 and 3 year deadlines. These deadlines are necessary and in place to

1 encourage the petitioner to start the development process for the approved conditional under the current  
2 zoning regulations. Although whether or not these deadlines should be changed to reflect a more realistic  
3 timeframe of compliance is not before us, the Board believes it is a valid point worth future analysis.

4 However, the Board fully agrees with staff's revision and citizen input that an approved conditional  
5 use will not lapse for failure meet the imposed deadlines if the project is being actively processed at that time.  
6 The Board was initially concerned that the petitioner's proposed amendment was too vague and undermined  
7 the very purpose for including deadlines in the regulations: to encourage timely processing of the conditional  
8 use under the regulations. The revised language to include reference to the subdivision and land development  
9 regulations appropriately provides a standard by which it can be determined whether a project is being  
10 actively processed. The Board believes this amendment fairly and equitably allows those petitioners, who  
11 diligently and timely make a concerted effort, to bring their approved conditional use plans to fruition without  
12 the threat their approval will lapse.

13 Mr. Rosenbaum made the motion to recommend approval of the petition in accordance with the  
14 Department of Planning and Zoning recommendation and recommended revisions. Ms. CitaraManis seconded  
15 the motion. The motion passed by a vote of 4 to 0, with Ms. Dombrowski abstaining.

16 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 26<sup>th</sup> day of  
17 November, 2008, recommends that ZRA 109, as described above, be **APPROVED WITH REVISIONS**.

19 HOWARD COUNTY PLANNING BOARD

20 David Grabowski/jm  
21 David Grabowski, Chairman

22 Gary Rosenbaum/jm  
23 Gary Rosenbaum, Vice-Chair

24 ABSTAIN

25 Linda A. Dombrowski

26 Tammy J. CitaraManis/jm  
27 Tammy J. CitaraManis

28 Paul Yelder/jm  
29 Paul Yelder

30  
31 ATTEST:

32 Marsha S. McLaughlin  
33 Marsha S. McLaughlin, Executive Secretary

**I. DESCRIPTION OF PROPOSAL**

- # The subsections proposed to be amended and the amendment text is attached as Exhibit A – Petitioner’s Proposed Text (CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted).

**II. EXISTING REGULATIONS**

- # The existing regulations concerning the lapse of and extension of Conditional Uses were originally established in predominantly the same format in the 1993 Zoning Regulations, when such uses were known as Special Exceptions.

**III. BACKGROUND INFORMATION**

**A. Scope of Proposed Amendment**

- # The amendment could apply to any Conditional Use in any zoning district.

**IV. EVALUATIONS AND CONCLUSIONS**

- # It is inefficient for the Department and Planning and Zoning to expend staff effort and staff time to review and process a development plan associated with Conditional Uses, only to have that development plan nullified during that process if the Conditional Use becomes void.

As long as a developer of a Conditional Use is diligently endeavoring to reach plan approval by maintaining an active plan in compliance with the Subdivision procedures of Section 16.144 of the Subdivision and Land Development Regulations, or the Section 16.156 procedures for Site Development Plans, the Conditional Use should remain valid and not be subject to the extension process.

- # The proposed amendment does not specify the precise plan processing procedures so it is recommended that the proposed new Section 131.I.3.e be revised as follows: (UNDERLINED CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted).

- E. SUBSECTIONS A. AND C. ABOVE SHALL NOT APPLY TO ANY PROJECT FOR WHICH PLANS ARE BEING ACTIVELY PROCESSED [[WITH HOWARD COUNTY]] IN COMPLIANCE WITH THE PROCEDURES IN SECTION 16.144 AND SECTION 16.156 OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OR WERE BEING ACTIVELY PROCESSED IN COMPLIANCE WITH THOSE PROCEDURES ON THE DATE SET FORTH ABOVE FOR TIME LIMITS.**

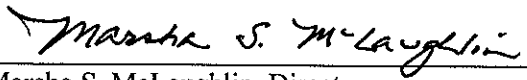
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**V. RECOMMENDATION**

**APPROVAL WITH REVISION**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-109 as noted above, be APPROVED, with the revision noted above.

  
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Marsha S. McLaughlin, Director

10/9/08  
Date

MM/jrl

**NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.**